(41)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, C.J.

Writ Petition No. 1988 of 2001

Petitioners

1. Smt. Jaswant Kaur, W/o Late Shri Tara Singh, aged about 65 years
2. Gurudarshan Singh, S/o Late Sardar Tara Singh, aged about 49 years
3. Raghuvir Singh, S/o Late Sardar Tara Singh, aged about 47 years
   All Resident of Jai Hind Garage, M.G. Road, Raipur (Chhattisgarh)
4. Smt. Iqbal Kaur, W/o Sardar Furudeep Singh, aged about 44 years, Anand Nagar, Raipur (Chhattisgarh)

versus

Respondents

1. State of Chhattisgarh, through the Secretary, Revenue, Mantralaya, D.K. Building, Raipur (Chhattisgarh)
2. The Prescribed Authority under the Madhya Pradesh Nagariya Kshetron Ke Bhumihin Vyakti (Pattadhriti Adhikaron Ka Pradan Kiya Jana) Adhiniyam, 1984, Raipur, Collectorate, Raipur (Chhattisgarh)
3. Nazul Officer, Raipur (Chhattisgarh)
4. Tehsildar Nazul, Raipur (Chhattisgarh)
5. Smt. Swarn Kaur, W/o Prem Singh Bhalla Resident of Shyam Nagar, Raipur (Chhattisgarh)
6. Ramesh Bahadur Kashyap, S/o Shri Banshidhar Kashyap, resident of Bairan Bazar, Raipur (Chhattisgarh)

Present : Shri V.R.Tiwari, counsel for the petitioners.
Shri Sanjay S. Agrawal, G.A. counsel for the respondents 1 to 4

ORAL ORDER

(Passed on 20th April, 2007)

The issue involved in this writ petition lies in a narrow compass. On an earlier occasion, the petitioners were before this Court in writ petition No. 384/2001 inter alia requesting this Court to direct the

respondents to consider the application/representation of the petitioners for grant of 'Patta' over the Government land. This Court vide its order dated 23-3-2001 directed the prescribed authority to examine and dispose of the application on merit within a particular time frame. Even prior to disposal of the writ petition, the respondents held a detailed enquiry and came to the conclusion that the petitioners are not in possession of the Government land but they are in possession of the land belonging to a private party. After disposal of the writ petition, respondents have only intimated the petitioners that they had already taken a decision on merits that the petitioners are not entitled for grant of Patta over the land which belonged to a private party.

(2) Patta can be granted if a person is in a possession of a Government land and if he satisfies all other conditions enumerated under the Code. In the instant case, it is the report of the Tahsildar which has been confirmed by the Collector also that the petitioners are in possession of the land which does not belong to the State Government. If that is so, in my opinion, the respondents were justified in bringing to the notice of the petitioners that they cannot grant Patta to the petitioners over the land which is in their possession since it belongs to the private party.

(3) I do not see any error in the impugned order which calls for any interference of this Court. Accordingly, the petition is rejected. Ordered accordingly.

Sd/-
Chief Justice